

APPLICANT:
Stella Calvert

REQUEST: A variance to permit a patio room within the required rear yard setback in the R2 District

HEARING DATE: December 5, 2007

BEFORE THE
ZONING HEARING EXAMINER
FOR HARFORD COUNTY
BOARD OF APPEALS

Case No. 5623

ZONING HEARING EXAMINER'S DECISION

APPLICANT: Stella Calvert

LOCATION: 1220 Cheshire Lane, Hampton Ridge subdivision, Bel Air
Tax Map: 41 / Grid: 3C / Parcel: 582 / Lot: 232
Third (3rd) Election District

ZONING: R2 / Urban Residential

REQUEST: A variance, pursuant to Section 267-36(B), Table V, of the Harford County Code, to permit a patio room within the required 40 foot rear yard setback (29 foot setback proposed) in the R2 District.

TESTIMONY AND EVIDENCE OF RECORD:

The Applicant, Stella Calvert, appeared before the Board to request a variance to allow her proposed patio room to extend 11 feet into the required 40 foot rear yard setback. Ms. Calvert described her home as a two-story single family home, with attached two-car garage. The home is located on an approximately 16,000 square foot lot in the Hampton Ridge subdivision, just outside of Bel Air. The property is improved by an existing deck which will be replaced if this variance is granted.

Ms. Calvert has owned the property for about two years, and lives there with her daughter and son-in-law.

Ms. Calvert wishes to have a sunroom to the rear of her home for the additional space which it will give her and her family. Ms. Calvert has difficulty walking, and sometimes is in need of a wheelchair or cane, and a sunroom at grade level with the first floor of her home would be a great benefit to her.

Ms. Calvert indicated that her neighbors are aware of her requested variance and no neighbor had any objection.

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Next testified Gerald Anderson of Champion Patio, Inc., the company which has been retained to construct the sunroom. Mr. Anderson explained that the existing deck will be removed and replaced by the sunroom. The proposed three season sunroom will be 12 feet deep by 20 feet wide.

Mr. Anderson explained that the subject property is a corner lot with a 40 foot setback required from Henderson Road, and a 30 foot setback required from Cheshire Lane. This unusual feature of the property acts to greatly reduce the buildable space on-site. Furthermore, the house itself is set at an angle to both streets and, as a result, is “skewed” and set behind the minimum building setback line off Cheshire Lane by 5 feet to 26 feet. If it were not for this odd location of the home with reference to the Cheshire Lane building setback line, the extent of the requested variance would not be necessary.

Mr. Anderson explained that the sunroom could, in fact, have been built without a variance if the house had been built directly on the minimum building setback line on Cheshire Lane. Mr. Anderson explained that the enclosed sunroom will have a studio type roof, with shingles to match that of the existing home. Windows and doors will be of three season construction and will match the construction and features of the existing home. The sunroom will not be heated or air conditioned. By Building Code, there will be electric in the sunroom.

The Department of Planning and Zoning Staff Report concludes:

“The Department finds that the subject property is unique based on its configuration and the angle that the house was placed on the property. Due to the two front yard setbacks and the location of the dwelling the proposed location is the only practical area for the addition. The sunroom will be similar to other structures in the area. The requested variance will not adversely impact the neighborhood or the intent of the code. There will still be approximately 80 feet between the proposed addition and the adjacent dwelling.”

No testimony or evidence was given in opposition.

APPLICABLE LAW:

Section 267-11 of the Harford County Code allows the granting of a variance to the requirements of the Code:

“Variances.

- A. Except as provided in Section 267-41.1.H., variances from the provisions or requirements of this Part 1 may be granted if the Board finds that:*

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- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Part 1 would result in practical difficulty or unreasonable hardship.*
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Part 1 or the public interest.*

- B. In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary, consistent with the purposes of the Part 1 and the laws of the state applicable thereto. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Part 1. The Board may require such guaranty or bond as it may deem necessary to insure compliance with conditions imposed.*
- C. If an application for a variance is denied, the Board shall take no further action on another application for substantially the same relief until after two (2) years from the date of such disapproval."*

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

The Applicant proposes to replace an existing permitted deck, having dimensions of 12 feet by 20 feet. On the rebuilt deck she proposes to construct a sunroom which will be similar in appearance and design to both the Applicant's home and to many others throughout the area. Such an improvement is a normal feature of homes in the Applicant's subdivision and throughout Harford County.

The Applicant would be able to construct such a sunroom except for unusual features of her property. These unusual features are that the subject property is a corner lot and, therefore, subject to two front yard setbacks. The house is not set upon the front yard setback line off Cheshire Lane and is, in fact, set at an angle to this lot line. If it were not for these unusual features, which in combination radically reduce the property's buildable area, this requested variance would not be necessary.

Clearly, these unusual features cause the Applicant hardship in preventing her from constructing an amenity similar to others in her neighborhood and throughout the County.

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There is no finding of adverse impact to any neighborhood or to the neighborhood as a whole.

CONCLUSION:

Accordingly, it is recommended that the requested variance be granted, subject to the Applicant obtaining all necessary permits and inspections for the construction of the sunroom.

Date: January 9, 2008

ROBERT F. KAHOE, JR.
Zoning Hearing Examiner

Any appeal of this decision must be received by 5:00 p.m. on FEBRUARY 7, 2008.